

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Criminal Action No.
) 06-00145-01-CR-W-HFS
RAYMOND A. DELACRUZ,)
)
Defendant.)

O R D E R

On June 24, 2006, Defendant filed a motion for a judicial determination of mental competency. Defendant was initially examined by Dr. Jason V. Dana, Psy.D. The parties agreed that because of the report's inconclusiveness, further consultation was needed. On November 28, 2006, United States Magistrate Judge Robert Larsen ordered Defendant to undergo a second evaluation by Dr. John H. Wisner. Dr. Wisner opined Defendant was not competent to stand trial. Defendant was then committed for a four-month hospitalization period at the United States Medical Center for Federal Prisoners in Springfield, Missouri, for competency restoration treatment. Lea Ann Preston, Ph.D., prepared a report dated June 21, 2007, opining Defendant was competent to stand trial and assist in his defense.

During a competency hearing held before Judge Larsen on August 16, 2007, Defendant and the government stipulated to the report of Dr. Preston. The parties also waived the ten-day objection period to Judge Larsen's Report and Recommendation. Therefore, after making an independent review of the record, it is

ORDERED that Defendant's motion for judicial determination of mental competency is granted, the Report and Recommendation of Magistrate Judge Robert Larsen is adopted in its

entirety. This court finds that Defendant is competent to stand trial. It is further ORDERED that this case is set for trial on the joint criminal jury trial docket commencing October 22, 2007. It is further

ORDERED that, pursuant to 18 U.S.C. §§ 3161(h)(1)(A) and (h)(4), the time between July 24, 2006, and the date of this order is excluded in computing the time within which the trial of this criminal action must commence.

/s/ Howard F. Sachs _____
HOWARD F. SACHS
United States District Judge

Kansas City, Missouri
September 5 , 2007